

REMARKS**Double Patenting Rejection**

In sections 1-2 of the Office Action, the Examiner rejects claims 1-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable as claims 1-8 of copending application no. 10/057,187. The Applicant respectfully disagrees. It is believed that the differences between the claimed invention and copending application no. 10/057,187 are not obvious.

For example, claim 1 of the present application recites, in part, "said at least one arm member has substantially a rectangular cross section with four curved corners having a predetermined radius of curvature, in a perpendicular direction to a longitudinal direction of said at least one arm member". These limitations are not recited in claims 1-8 of copending application no. 10/057,187. Moreover, claim 1 of application no. 10/057,187 recites, in part, "an outer circumferential frame having opposite end surfaces and an inner peripheral surface, said inner peripheral surface being connected to said opposite end surfaces to form opposite connecting edge portions" and "said one end of said at least one arm member is connected to a portion of said inner peripheral surface of said outer circumferential frame, said portion excluding said opposite connecting edge portions". These limitations are not recited in claims 1-8 of the present application. The Applicant does not believe that these limitations are obvious.

However, in order to conserve time and funds, the Applicant is filing a terminal disclaimer to disclaim the terminal part of the patent term, if this application is issued. Enclosed please find such a terminal disclaimer.

Rejections under 35 USC 102(b)

In section 3, the Examiner rejects claims 1-8 under 35 USC 102(b) as being anticipated by Ohyaba et al. (US Patent No. 6,144,753). In section 4, the Examiner acknowledges that claims 9-16 would be allowable if rewritten in independent form.

The limitations of claim 9 have been incorporated into claim 1. Thus, the Applicant believes that claim 1 is now in allowable form. Claims 2-8 are also allowable, at least by virtue of their dependency from claim 1. Claims 9-16 have been canceled to avoid duplicity.

Disagreement matter of record

As discussed in the previous responses, the Applicant respectfully disagrees with the rejection of claims 1-8 and wishes to make his disagreement a matter of record. For example, the Applicant believes that Ohyaba et al. fails to disclose or suggest "said at least one arm member has substantially a rectangular cross section with four curved corners having a predetermined radius of curvature, in a perpendicular direction to a longitudinal direction of said at least one arm member", as recited by claim 1 of the present application.

However, being desirous to conserve time and funds, the Applicant agrees to adopt the Examiner's recommendations. The Applicant understands that claims 9-16 will be allowed if re-written in independent form including all of the limitations of the base and intervening claims.

The Applicant reserves the right to seek protection for any unclaimed subject matter either subsequently in the prosecution of the present case or in a divisional or continuation application.

The Applicant has attempted to address all of the issues raised by the Examiner in the Office Action as the Applicant understands them. The Applicant believes that the application is now in condition for allowance. If any point requires further explanation, the Examiner is invited to telephone Troy Cai at (323) 934-2300 or e-mail Troy Cai at tcai@ladasparry.com.


The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 28, 2004

(Date of Deposit)

Troy Guangyu Cai

(Name of Person Signing)



(Signature)

4/28/04

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Respectfully submitted,



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